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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

Documents of the Security Council (symbol S/ . . .) are normally published in quarterly *Supplements* of the *Official Records of the Security Council*. The date of the document indicates the supplement in which it appears or in which information about it is given.

The resolutions of the Security Council, numbered in accordance with a system adopted in 1964, are published in yearly volumes of *Resolutions and Decisions of the Security Council*. The new system, which has been applied retroactively to resolutions adopted before 1 January 1965, became fully operative on that date.

2470th MEETING

Held in New York on Friday, 2 September 1983, at 3.30 p.m.

President: Mr. Noel G. SINCLAIR (Guyana).

Present: The representatives of the following States: China, France, Guyana, Jordan, Malta, Netherlands, Nicaragua, Pakistan, Poland, Togo, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Zaire, Zimbabwe.

Provisional agenda (S/Agenda/2470)

1. Adoption of the agenda

2. Letter dated 1 September 1983 from the Acting Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council (S/15947);
   Letter dated 1 September 1983 from the Permanent Observer for the Republic of Korea to the United Nations addressed to the President of the Security Council (S/15948);
   Letter dated 1 September 1983 from the Chargé d'affaires a.i. of the Permanent Mission of Canada to the United Nations addressed to the President of the Security Council (S/15949);
   Letter dated 1 September 1983 from the Permanent Representative of Japan to the United Nations addressed to the President of the Security Council (S/15950)

The meeting was called to order at 4.15 p.m.

Expression of thanks to the retiring President

1. The PRESIDENT: I should like at the outset of this meeting to express on behalf of the Council deep appreciation to the President of the Council for the month of August, Mr. Luc de La Barre de Nanteuil, Representative of France, for the great diplomatic skill with which he conducted the Council's business in the course of last month.

Adoption of the agenda

2. The PRESIDENT: The provisional agenda for this meeting is before the Council [*S/Agenda/2470*]. In this connection, I should like to draw the attention of the members of the Council to document S/15951, which contains the text of a letter dated 2 September from the representative of Australia to the President of the Council, in which the Government of Australia associates itself with the requests contained in documents S/15947 and S/15948, respectively. I would propose that this letter be included in the agenda for the present meeting and that the agenda be revised accordingly.

It was so decided.

The agenda was adopted.

Letter dated 1 September 1983 from the Acting Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council (S/15947);
Letter dated 1 September 1983 from the Permanent Observer for the Republic of Korea to the United Nations addressed to the President of the Security Council (S/15948);
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Letter dated 1 September 1983 from the Permanent Representative of Japan to the United Nations addressed to the President of the Security Council (S/15950);
Letter dated 2 September 1983 from the Acting Permanent Representative of Australia to the United Nations addressed to the President of the Security Council (S/15951)

3. The PRESIDENT: I should like to inform members of the Council that I have received letters from the representatives of Australia, Canada, the Federal Republic of Germany, Japan and New Zealand, in which they request to be invited to participate in the discussion of the item on the agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in accordance with the provisions of Article 31 of the Charter and rule 37 of the provisional rules of procedure.

At the invitation of the President, Mr. Pelletier (Canada) took a place at the Council table; Mr. Joseph (Australia), Mr. Jelonek (Federal Republic of Germany), Mr. Kuroda (Japan), and Mr. Harland (New Zealand) took the places reserved for them at the side of the Council chamber.

4. The PRESIDENT: I should like to draw the attention of members of the Council to the final paragraph of the letter dated 1 September from the observer for the Republic of Korea to the President of the Council [*S/15948*], in which he requests that the representative of the Govern-

ment of the Republic of Korea be invited by the Council to participate in the discussion in accordance with Article 32 of the Charter. I propose, with the consent of the Council, to invite the observer for the Government of the Republic of Korea to participate in the discussion, without the right to vote, in accordance with the provisions of Article 32 of the Charter.

At the invitation of the President, Mr. Kim (Republic of Korea) took a place at the Council table.

5. The PRESIDENT: The first speaker is the observer for the Republic of Korea on whom I now call.

6. Mr. KIM (Republic of Korea): Mr. President, I wish to thank you and the members of the Council for having kindly invited my delegation to participate in the discussions of the Council. Allow me also to extend to you, Sir, our congratulations on your assumption of the presidency for the month of September. We are certain that your outstanding leadership will ensure impartial and efficient conduct of the deliberations of the Council. We wish you every success in the fulfilment of your heavy responsibilities.

7. Five times a week, at 2350 hours, a Korean Air Lines Boeing 747 taxies down the runway at John F. Kennedy International Airport in New York, takes off, and begins its regularly-scheduled flight to its home airport of Kimpo in the Repubic of Korea. Like so many flights of other airlines, it follows internationally demarcated routes and long-established international procedures. It carries its crew, passengers, and their authorized baggage and freight only.

8. But on 31 August, as the entire world now knows, Korean Air Lines flight 007 did not reach home safely. Today, we presume that all its passengers and crew are dead, the victims of an incomprehensible act of deliberate and premeditated violence.

9. Before I proceed further, I should like to say, first of all, that our Government shares the immense sense of loss of the families of each passenger and crew member who were on that fateful flight. Our sympathy goes out to each family. We share their grief.

10. According to the information available to us, the Korean Air Lines plane which was shot down by the Soviet Union departed Anchorage, Alaska at 1400 hours, Greenwich mean time, Wednesday, 31 August, with 240 passengers and 29 crew members on board. The passengers included nationals from many different countries, among them 47 Americans, 44 Chinese, 28 Japanese, 15 Filipinos, 6 Thais, 4 Australians, one Swede, one Indian, one Canadian and one whose nationality is not clear at this point.

11. Apparently about two hours after its take-off from Anchorage, Soviet military authorities began to track the Korean jetliner. Shortly after it made a last radio contact with Japanese air controllers at Narita International Airport at 1823 hours at the altitude of 30,000 feet south-east of Hokkaido, Japan, no more contacts were possible with the Korean aeroplane.

12. We presume that it was at this time that the Korean aeroplane was hit by missiles fired from the Soviet fighters and destroyed with its 240 innocent passengers and the 29 crew aboard. If such an event were to occur on land, the result of guns fired at innocent people, the world would surely call it murder. What happened to the passengers of the Korean Air Lines flight 007 and crew is really no different. The men who pushed the buttons and gave the orders that sent the missiles into the unarmed civilian aeroplane surely knew that death was the inevitable result: the death of 269 totally innocent men and women from many countries.

13. There was no possibility of Soviet military authorities confusing the Korean Air Lines aircraft with anything other than a civilian passenger aeroplane. It was clearly marked as a Korean Air Lines plane. And the whole world knows that Korean Air Lines Boeing 747s fly regularly from New York, through Anchorage to Seoul. What Soviet military forces did to a civilian Korean aeroplane was clearly a criminal act in violation of all the legal norms and standards of international civil aviation.

14. I must point out to my colleagues from other nations that if this sort of thing can happen to one nation's civilian aeroplanes, it might happen to any nation's planes. If this can happen on one internationally-recognized and demarcated route, it might happen on other routes that come near the territory of the Soviet Union. My Government deeply appreciates the expressions of sympathy and support that it has received from around the world. They are especially welcome, because if this sort of international outlaw behaviour is allowed to proceed unpunished, nobody can be sure where it is going to stop. Whose planes, we must ask, will ultimately be safe?

15. The rules of international air safety have been carefully designed to ensure the safety of all civil aeroplanes. If they are respected, there will be no tragic incidents such as the one which has required this meeting today. There is no provision in international law that justifies the use of force against an unarmed civilian airliner under any circumstances. The action by Soviet military authorities against the Korean Air Lines aircraft was clearly in violation of the legal norms and generally accepted standards of international civil aviation. It is an action which threatens the very foundation of international order in civil aviation.

16. I cannot stress too much the seriousness of the tragic incident which has just been caused by the barbarous action of Soviet military authorities. It is clear that by shooting down a Korean civilian aeroplane the Soviet Union has posed a threat to the safety of all civil airliners of all nations. The very future of international civil aviation is now at stake. To resolve this crisis and to ensure the future safety of all civilian aeroplanes of all nations, the Government of the Republic of Korea believes that

the Soviet Union must take at least the following five steps.

17. First, the Soviet Union must offer a full and detailed account of exactly what has happened. Soviet statements that have been offered so far are clearly inadequate and unsatisfactory.

18. Secondly, the Soviet Union must offer full apology and complete compensation for the loss of the aircraft as well as to the families of the passengers and crew members who have been killed. That is not only in accordance with standard international practice in such circumstances but also a matter of common sense and decent human conscience.

19. Thirdly, the Soviet Union must adequately punish all those who are directly responsible for this most reprehensible and inhuman violence committed against a completely defenceless aeroplane carrying civilian passengers.

20. Fourthly, the Soviet Union must guarantee unimpeded access to the crash site to the representatives of impartial international organizations such as the International Civil Aviation Organization (ICAO) as well as of Korean Air Lines and the Government of the Republic of Korea. The Soviet Union must also return any remains or debris that may be found.

21. Finally, the Soviet Union must give credible guarantees against the recurrence of such violent actions against unarmed civilian aeroplanes anywhere in the world. Such guarantees must be specific, concrete and effective.

22. Before closing my statement, I should like to reiterate to the Council that the Government of the Republic of Korea has consistently sought peace and stability in the tense and historically troubled region of north-eastern Asia. That is why my Government is all the more deeply concerned at what happened on the night of 31 August, because what happened on that tragic night was so incompatible with the goal of peace and reduction of tension that the Republic of Korea seeks.

23. I wish to assure the members of the Council that the Republic of Korea remains ready and willing to examine and explore all possible means to reduce tensions in the area. It is the sincere hope of the Government and people of my country that other nations in the region will equally share our desire for peace and abhorrence of war and violence.

24. Finally, I should like to conclude my remarks by quoting from the statement issued by President Chun Doo Hwan of my country on 2 September in Seoul:

> "Together with all Koreans and other peace-loving peoples of the world, I am deeply grieved and angered at the shocking incident of Soviet war planes shooting down a Korean Air Lines (KAL) Boeing 747 passenger plane on September 1, 1983, killing all the 269 passengers and crew.
>
> "It is an over-riding principle of international law that the safety of civil aircraft be safeguarded under all circumstances. Moreover, the Soviet Union, as is indeed our country, is a member of the International Civil Aviation Organization and thus obliged to co-operate fully and to endeavor to ensure the safe passage of civil aircraft. Nevertheless, they attacked an unarmed civil airplane which had not committed any hostile act, killing all of the 269 persons on board. This is an utterly inhuman act which can never be tolerated for any reason whatsoever—an act which cannot escape the condemnation of all peace-loving peoples of the world.
>
> "As I pray for the passengers and crew who were victimized in this incident, I extend my heartfelt sympathy to their bereaved families and I express my deep regret to the countrymen and Governments of the foreigners involved."

25. Mr. LICHENSTEIN (United States of America): It is a pleasure, Sir, even on an occasion that I fear holds little pleasure as to substance, to greet you as you accede to the presidency. We welcome you as a friend, as a near neighbour and as a respected colleague. We fear that all of your talents—and they are many—will be amply tested this month. We know that you will meet the test as admirably, indeed as superbly, as did your predecessor, the representative of France, who served all of us and the United Nations last month during 31 most difficult days.

26. I wish at the outset to read out the statement issued today by the President of the United States as he left California on his return to Washington, where, at 1830 hours, he convened an extraordinary meeting of his National Security Council. It reads as follows:

> "In the wake of the barbaric act committed yesterday by the Soviet régime against a commercial jetliner, the United States and many other countries of the world express not only our outrage but also our demand for a truthful accounting of the facts. Our first emotions are anger, disbelief and profound sadness. While events in Afghanistan and elsewhere have left few illusions about the willingness of the Soviet Union to advance its interests through violence and intimidation, all of us had hoped that certain irreducible standards of civilized behaviour none the less obtained. But this event shocks the sensibility of people everywhere.
>
> "The tradition of the civilized world has always been to offer help to mariners or pilots who are lost or in distress in the sea or in the air. Where human life is valued, extraordinary efforts are extended to preserve and protect it, and it is essential that as civilized societies we ask certain questions about the nature of régimes where such standards do not apply.
>
> "Beyond these emotions, the world notes the stark contrast that exists between Soviet words and deeds. What can we think of a régime that so broadly trumpets its vision of peace and global disarmament and yet so carelessly and quickly commits a terrorist act to sacri-

fice the lives of innocent human beings? What can be said about Soviet credibility when they so flagrantly lie about such a heinous act? What can be the scope of legitimate mutual discourse with a State whose values permit such atrocities, and what are we to make of a régime which establishes one set of standards for itself and another for the rest of humankind?

"We join in the call for an urgent United Nations Security Council meeting today. The brutality of this act should not be compounded through silence or the cynical distortion of the evidence now at hand. Tonight I will be meeting with my advisers to conduct a formal review of this matter, and this weekend I shall be meeting with the leadership of the United States Congress.

"To the families of all those on the ill-fated aircraft we send our deepest sympathy, and I hope they know our prayers are with them all."

27. This strong and eloquent expression of anguish for the families of 269 victims, this expression of deep concern for what this heinous crime means for international peace and security, this statement by the President of my country, needs no amplification by me.

28. What I will try to do this afternoon is, first, to provide some framework, some context, for this tragedy. I will then spell out the facts as best we now know them. And let me note here that hour by hour these last two and a half days more and more facts have become, and are becoming, available to my Government, and as they do our concern deepens and our outrage grows. Then, finally, I will draw some preliminary conclusions about the possible meaning of this tragedy, the lessons that it may hold for us here in the Council and more generally for all people everywhere in the world who enjoy freedom, who would preserve the freedom they enjoy, those who seek freedom.

29. How can we begin to characterize this crime, a crime worse compounded by the Soviets' continuing denial of any responsibility for it, a denial which is in contempt of the truth, as gradually we are learning it, and in contempt of the opinion of civilized mankind? On the basis of the facts presently available to my Government, the crime must be characterized as calculated and deliberate.

30. From all presently available evidence, the pilot of the SU-15 Soviet interceptor, the pilot who pulled the trigger or pushed the button that unleashed the heat-guided missile which destroyed Korean Air Lines flight 007 and 269 innocent lives along with it, that pilot had the Korean 747 in his sights, clearly identified as a civilian airliner, well within two kilometres of the 747, for more than 10 minutes running prior to launching the destructive missile. The crime committed was indeed calculated and indeed it was deliberate and it was wantonly irresponsible.

31. On no conceivable assumption of the peril posed by a single commercial airliner to the putative security of the Soviet Union, a regularly scheduled nighttime flight, however much off course it may have strayed—on no conceivable assumption could the Soviet reaction be characterized as other than incommensurate, as outrageously excessive, as, to say it again, wantonly irresponsible. Let us call the crime for what clearly it is: wanton, calculated, deliberate murder.

32. Most of us by now know the basic facts of this criminal act, but let me again outline them in brief. At 1400 hours Greenwich mean time on 31 August, a Korean Air Lines Boeing 747 *en route* from New York to Seoul departed Anchorage, carrying 269 passengers and crew. At approximately 1600 hours the aircraft came to the attention of Soviet radar personnel. It was tracked constantly by Soviet military authorities from that time. According to irrefutable information available to my Government, the aircraft strayed into Soviet airspace over the Kamchatka Peninsula, over the Sea of Okhotsk, over Sakhalin Island. Throughout this entire time, for some two and a half hours, the Soviets tracked the commercial airliner.

33. A Soviet pilot reported visual contact with the aircraft at 1812 hours. The Soviet plane was in constant contact, was receiving orders and instructions from its ground control. At 1812 hours the Korean aircraft was reported by the Soviet pilot at 10,000 metres, roughly 33,000 feet. At 1826 hours, the Soviet pilot reported that he fired a missile and the target was destroyed. At 1830 hours the Korean aircraft was reported by radar at an altitude of 5,000 metres. At 1838 hours the Korean plane disappeared from the radar screens.

34. The United States Government knows that at least eight Soviet fighters reacted to the airliner at one time or another throughout this period in excess of two and a half hours.

35. The pilot who shot the airliner down reported after the attack that he had in fact fired a missile, that he had destroyed the target and that he was breaking away. As he put it, "I am leaving the attack". I must defer to our Soviet colleague; it may well be that I am not adequately or properly translating the Russian, but, then, he has all the facts in his possession.

36. It is also of interest to note that, prior to firing the heat-seeking missile, the pilot of the Soviet SU-15 interceptor deliberately circled back around behind the Korean Boeing 747 the better to aim his heat-seeking missile and in order to avoid any possibility of being hit by flying debris.

37. As we reflect on the possible meaning of this crime, its possible consequences, I want very briefly to touch on its implications for any reasonable approximation to the codes and conventions of international law.

38. First and foremost are the legal obligations which flow from what the International Court of Justice—whose jurisdiction, needless to say, the Soviet Union usually does not accept—has called "certain general and

well-recognized principles, namely, elementary considerations of humanity, even more exacting in peace than in war". If there were no other relevant rules, these well-recognized principles of humanity would rule out shooting down a passenger plane, a clearly marked airliner engaged in international civil aviation.

39. But there are other very relevant rules. There are the rules of the Charter of the United Nations about the prohibition of the use of force. There are rules specific to civil aviation. Annex 2 to the Chicago Convention on International Civil Aviation[1] contains rules of the air. These rules set forth the procedures to be used when intercepting a foreign aircraft not properly within the airspace of the intercepting country, that is to say, radio communications, rocking of wings and irregular flashing of lights. The rules of the air do not include shooting down the civil airliner. Attachment A to Annex 2 of the Chicago Convention is even clearer:

> "Interception of civil aircraft should be avoided and should be undertaken only as a last resort. If undertaken, the interception should be limited to determining the identity of the aircraft, unless it is necessary to return the aircraft to its planned track, direct it beyond the boundaries of national airspace, guide it away from a prohibited, restricted or danger area or instruct it to effect a landing at a designated aerodrome. Practice interception of civil aircraft is not to be undertaken.[2]

40. I have looked over the detailed log of some 75 instances, documented incidents, in which Soviet aircraft have strayed into Western—into American—airspace. I have looked over the log carefully to discover the response in each case. I wish to cite from that long catalogue only two rather interesting such flights. Among the numerous incidents, there was that of the Aeroflot flight into Dulles Airport on 8 November 1981. That flight entered United States airspace at an unauthorized entry point in New England, flew over New England land area, although its clearly demarcated route was almost exclusively over open water; it continued to overfly, according to that unauthorized route, the Pease Air Force Base and the naval facility at Groton, Connecticut, and then finally it landed at Dulles, Washington, D.C. Several days later the same aircraft, on leaving Dulles for its return flight, flew a similar unauthorized route over New England. My Government lodged a very firm protest. My Government then imposed what it considered a proportionate penalty: it suspended Aeroflot's scheduled service into Dulles for two flights. It did not authorize the use of a heat-seeking missile.

41. What might we expect that a normal, reasonably civilized Government might do in a situation such as the one that confronts us? It would, first of all, admit its responsibility for the act. It would express profound regret for the loss of life. It would undertake a credible investigation of the circumstances of the act to determine if there was individual responsibility and it would discipline the responsible individuals. It also would pledge that such an act would never be repeated and it would demonstrate that appropriate steps were being taken to ensure against any repetition.

42. What, by contrast, has the Soviet Union done till now? Has it given the slightest indication that it accepts responsibility for this heinous act? Has it shown the least bit of compassion for the families of those innocent people who were killed—who were, as I have said, murdered? Has it taken any steps to initiate a process of investigation to determine responsibility? Has it given any sign of reassurance to the international community that it appreciates the gravity of what has happened and will take whatever steps are necessary to ensure against its repetition?

43. On the contrary, the Soviet attitude has lacked even a trace of contrition. In the face of utter disbelief on the part of the entire international community it continues to deny any responsibility for shooting down this unarmed civilian airliner. It has shown no regret over the loss of life. It has indicated no readiness to punish those responsible. It has demonstrated no determination to avoid a repetition of such an incident. It has, in other words, behaved with complete and, I must add, characteristic contempt for the international community and for even minimal standards of decency and civilized behaviour. In its refusal to admit the truth it is lying—openly, brazenly, knowingly. In so doing it is ironically showing its true face to the world, the face that is so often hidden behind the peace offensive, behind the propaganda machinery, behind its talk of brotherhood and human solidarity and international co-existence. It is the face of a ruthless totalitarian State, a State which has been responsible over the past six and a half decades for killing more people—the latest estimate I have read is between 70 million and 80 million—and enslaving more nations than any State, any régime, in the history of mankind; a State that tailors its concept of truth to what will advance its own interests—that and nothing else; a State that does not accept responsibility for a minimally decent international order; a State whose ultimate objective is to remake the world in its own image, which necessarily means a world in which it will control the lives of people and the fate of nations as completely and as ruthlessly as it exercises control over its own people—and, I should add, over those who innocently stray into its airspace.

44. If we are to learn anything from this awful tragedy, it is this message and this terrible warning. It is said that we must—and, of course, we must—live in the same world with the Soviet Union; but if we are to live in that world in freedom, not in slavery, and if that world is to continue to allow room for the individual existence of nations and the survival of freedom and comparable human values, then it is best that we recognize now, before it is far, far too late, the true nature of Soviet totalitarianism and the threat it poses to all people—those living under its yoke and those still free of such domination.

45. Let me complete my statement by reading the words of a noble and eloquent Russian, formerly a citizen of the

Soviet Union—not atypically a former citizen of the Soviet Union who now finds it necessary to live outside his country. I quote the following from Aleksandr Solzhenitsyn:

"Let us not forget that violence does not and cannot exist by itself: it is invariably intertwined with the lie. They are linked in the most intimate, most organic and most profound fashion. Violence cannot conceal itself behind anything except lies, and lies have nothing to maintain them except violence. Anyone who has once proclaimed violence as his method must inexorably choose the lie as his principle."

46. Mr. OVINNIKOV (Union of Soviet Socialist Republics) (*interpretation from Russian*): May I, first of all, congratulate you, Sir, on your assumption of the lofty post of President of the Council and wish you success in your responsible activities.

47. I should also like to point out the unusually great deal of energy shown by your predecessor, the representative of France.

48. With regard to the convening, at the request of the United States, of today's meeting of the Council, the Soviet delegation deems it necessary to state the following. In the view of the Soviet Union, the convening of the Council in connection with the South Korean aeroplane is something totally without grounds, unjustifiable and unnecessary. The Soviet view of this incident is to be found in the TASS statement issued in Moscow on 2 September. It reads as follows:

"As has already been reported, on the night from August 31 to September 1 this year an unidentified plane had rudely violated the Soviet State border and intruded deep into the Soviet Union's airspace. The intruder plane had deviated from the existing international route in the direction of the Soviet Union's territory by up to 500 kilometres and spent more than two hours over the Kamchatka Peninsula, the area of the Sea of Okhotsk and the Island of Sakhalin.

"In violation of international regulations the plane flew without navigation lights, did not react to radio signals of the Soviet dispatcher services, and itself made no attempts to establish such communication contact.

"It was natural that during the time the unidentified intruder plane was in USSR airspace, Soviet anti-air defence aircraft were ordered aloft which repeatedly tried to establish contacts with the plane using generally accepted signals and to take it to the nearest airfield in the territory of the Soviet Union. The intruder plane, however, ignored all this. Over the Sakhalin Island, a Soviet aircraft fired warning shots with tracer shells along the flying route of the plane.

"Soon after this the intruder plane left the limits of Soviet airspace and continued its flight towards the Sea of Japan. For about 10 minutes it was within the observation zone of radio location means, after which it could be observed no more.

"Now a hullabaloo has been raised in the United States and some other countries around the disappearance of a South Korean plane carrying out a flight from New York to Seoul.

"One's attention is drawn to the fact that already in the first report about this reference was made to the United States Central Intelligence Agency. Further reports emanating from the United States provide increasingly more grounds to consider that the intinerary and the nature of the flight were not accidental. It is indicative that now, *post factum*, the American side not only officially admits the fact of that plane's violation of Soviet airspace but also cites data which indicate that the relevant United States services followed the flight throughout its duration in the most attentive manner.

"So one may ask that if it were an ordinary flight of a civil aircraft which was under continuous observation, then why were there no steps taken from the American side to end the gross violation of the airspace of the USSR and to get the plane back to an international flight route?

"Why did the American authorities, which now resort to all kinds of dirty insinuations about the USSR, not try to establish contact with the Soviet side and provide it with the necessary data about this flight? Neither was done, although there was more than ample time for this.

"It is appropriate to recall that instances of deliberate violation of the State frontiers of the Soviet Union by American planes, including in the Far East, are far from rare. Protests have repeatedly been lodged with the United States Government over that matter.

"In the light of these facts the intrusion into the airspace by the mentioned plane cannot be regarded in any other way than a pre-planned act. It was obviously thought possible to attain special intelligence aims without hindrance using civilian planes as a cover.

"More than that, there is reason to believe that those who organized this provocation had deliberately desired a further aggravation of the international situation striving to smear the Soviet Union, to sow hostility to it and to cast aspersions on the Soviet peace-loving policy.

"This is illustrated also by the impudent, slanderous statement in respect of the Soviet Union that was instantly made by President Reagan of the United States.

"TASS is authorized to state that in the leading circles of the Soviet Union regret is expressed over the loss of human life and at the same time a resolute condemnation of those who consciously or as a result

of criminal disregard have allowed the death of people and are now trying to use this occurrence for unseemly political aims."

49. In light of what I have just read, the request of the United States to the Council is only a cover, a counterfeit coin tossed down in the dirty game of anti-Soviet policy they are playing. The purpose the United States is pursuing today is to create a propaganda display; this is quite obvious. It is a display calculated to present the USSR in a false light and thereby to acquire another pretext to justify the militaristic policy in the United States. For this purpose the United States Administration is determined to use the most shameless means.

50. As is well known, to get at the truth of various events we need to ask a key question: who stands to gain advantage from them and who can gain from a new wave of anti-Soviet hysteria, under the noise of which they can say that, supposedly, the Soviet Union should not enter into agreements with anyone? Who stands to gain from a situation of hysteria and a whipping up of passions in which demands are made to cut off all types of negotiations with the Soviet Union? Who stands to gain from a military psychosis under cover of which appeals are made to arm and arm?

51. There can be only one answer to these questions. Such appeals have been made from the very beginning by the current United States Administration, which is waging a crusade against communism. Therefore, if we were to summarize in one sentence the reason for today's ignominious show, we could say the following.

52. The United States Administration is looking for yet another pretext to justify its irresponsible policy in the preparation for nuclear war. Its manipulation of the norms of morality represents an attempt to justify the most immoral actions in the history of mankind—to justify a policy of thermonuclear world war.

53. That is the very essence of the calumny against the Soviet Union which has been dragged out today by the United States.

54. The PRESIDENT: The next speaker is the representative of Japan, whom I invite to take a seat at the Council table and to make his statement.

55. Mr. KURODA (Japan): I should like, first of all, to take this opportunity to congratulate you, Sir, on your assumption of the presidency for this month. We are confident that with your amply demonstrated diplomatic skills the Council will successfully discharge its responsibilities which are particularly important at this time.

56. I should like also to express our appreciation to your predecessor, Mr. de La Barre de Nanteuil, the representative of France, who so ably guided the deliberations of the Security Council during the month of August.

57. The issue before us today is an appalling tragedy and a wanton act of violence. A commercial airliner filled with innocent travellers of different nationalities was shot down by a missile fired by a jet fighter. This happened only because the aircraft accidentally went off course, straying into the airspace of the Soviet Union.

58. In the light of the urgency and the gravity of the problems involved, I requested, under instructions from my Government, the convening of an emergency session of the Council [S/15950] in order to bring this unrestrained use of force to the attention of the Council.

59. A Boeing aircraft 747, Korean Air Lines flight 007, *en route* from New York to Seoul, departed Anchorage, carrying 269 passengers and crew, including 28 Japanese nationals. According to the data available to us, we are compelled to believe that the Korean aircraft was shot down by a missile fired by a Soviet jet fighter at 0338 hours on 1 September, off the shore of Sakhalin, and near Kaiba Island.

60. Because of the geographical proximity of the probable site of the incident, my Government immediately staged a large-scale search and rescue operation, dispatching 10 patrol boats and 4 fishing observation boats to the area of the high seas. At 1200 hours, on 2 September, one of the patrol boats found a petroleum spill on the surface of the sea, 18.6 miles west-north-west of Sakhalin.

61. Japan believes this insidious assault on an innocent and defenceless civilian aircraft by the Soviet military authorities is totally unjustifiable for whatever reason and should be strongly condemned.

62. Granted that the Korean aircraft strayed into Soviet airspace in the first place, Japan feels with indignation that the action taken by the Soviet authorities to correct this error was totally out of proportion.

63. As for measures to deal with the violation of airspace, there are relevant articles in the annexes to the Chicago Convention on International Civil Aviation, which are honoured by the majority of ICAO member States. These articles stipulate that the fullest protection of the safety of international civil aviation must be guaranteed. All of these articles, but above all that which calls for abstention from the use of weapons, should be fully respected.

64. Thus, in the light of the provisions of the Convention as well as of the basic norms of international law, the action of the Soviet Union can in no way be justified. It should be recalled that the Convention stresses the significant role international civil aviation plays in promoting friendly and co-operative relations among nations. In view of its significance, this wanton act, if overlooked, will lead to the collapse of the safety régime of international civil aviation which ICAO has steadily established, and thus will grossly hamper the promotion of friendly and co-operative relations among nations.

65. How can we maintain freedom of transportation and a free exchange of ideas if planes are constantly

exposed to the danger of being attacked? How can we live together in this small world if trespassing would immediately result in mortal danger?

66. It should also be pointed out that the lives of 28 Japanese nationals are involved in this tragedy and that the Japanese Government has therefore every reason to express its grave concern over this incident.

67. The Government and people of Japan are extremely anxious about the fate of the missing passengers and crew. For this reason, the Government of Japan has been seeking the full co-operation of the Soviet authorities. We have repeatedly requested that they provide us with any information they may have regarding the incident. We have requested permission to enter Soviet territorial waters in order to investigate this matter. We have also requested from them information regarding the actual site of the incident and the results of the searches they have undertaken.

68. The Soviet Union, however, has totally failed to provide any satisfactory response to these requests. The Soviet Union has not yet explained what actually took place. This is most deplorable, since it is a situation that affects the trust that must obtain among nations.

69. The Japanese Government is of the view that the Soviet attitude will have a serious effect upon the peace and stability of the world, particularly Asia and the Far East. It demands that the Soviet Union take prompt and sincere action, and this should include a full report on the facts.

70. Unless the Soviet Union shows its willingness to co-operate in good faith by clarifying the facts, it will be exceedingly difficult to ensure the safety of international civil aviation in the future.

71. The Japanese Government strongly urges all States to work to ensure that incidents of this sort never take place again anywhere in the world.

72. In order to prevent the occurrence of a tragedy of this kind in the future, a thorough investigation is essential. To this end, it is further essential that this investigation be carried out by appropriate world bodies in order to reinforce and complement the current search-and-rescue operation.

73. The United Nations system is empowered with various fact-finding functions. I should therefore like to call upon the member States of the Council urgently to mandate a fact-finding mission, making use of ICAO or other international bodies.

74. As the history of mankind amply demonstrates, this sort of tragedy has triggered numerous international conflicts and tensions. Mistrust, suspicion and misunderstanding among nations have often led to armed conflict. Our collective wisdom in this age demands that we deal with such tragedy with utmost sincerity and open-mindedness. I do not believe the settlement of this tragic incident can be achieved through negative responses.

75. I once again call upon the Soviet Union to co-operate with the efforts made by my country and others to investigate this deeply regrettable incident of violence.

76. The PRESIDENT: The next speaker is the representative of Canada, on whom I now call.

77. Mr. PELLETIER (Canada): At the outset, Sir, I should like to congratulate you, your Government and people for the distinction of serving as President of the Council. Our two countries have the most cordial of relations, linked by the same hemisphere and common membership in so many organizations.

78. I should also like to express my gratitude to you and to the Council for giving Canada an opportunity to participate as an aggrieved party in this emergency debate, the call for which my Government strongly supported in its letter to you, Sir, of yesterday evening [*S/15949*].

79. In this day of international travel, we are dealing with an incident which has touched directly many members of the United Nations family and which touches, by extension, all nations. In the case of my country, at least eight of our citizens were on board the Korean Air Lines Boeing 747 flight 007 of 31 August. The Canadian people, no less than their Government, are horrified and outraged by what has happened. There can be no justification, whatever might have been the circumstances, for this demonstration of the willingness of a super-Power to exercise its military might against the unintentional presence in its airspace of innocent civilians, and to destroy, in this instance, 269 lives.

80. The deliberate in-flight destruction of this civilian, unarmed, easily identifiable passenger aircraft by sophisticated fighter aircraft of the Soviet Union, no matter where it occurred, is nothing short of murder. It is a flagrant attack on the safety of international civil aviation which should never have occurred and must not be allowed to occur again. After condemning this act, the Council should begin an urgent process in an impartial and effective manner to prevent any repetition of such an insult to humanity.

81. From the point of view of international law and accepted practices governing conduct between law-abiding sovereign nations, the Soviet Union in this incident has been guilty of outlaw behaviour.

82. It is widely accepted, in international law, that the principle of proportionality applies. The action of the Soviet Union in dealing with this incident is without doubt in total contravention of this principle. Moreover, the Soviet action, in the absence of any state of hostility or even heightened international tension in the area, makes it all the more unjustifiable.

83. It would be ludicrous for the Soviet Union to pretend that it had to massacre 269 civilians, travelling on a

civilian aircraft, to protect its sovereignty. The opening of fire on the Korean aircraft was in excess of what is commensurate with the gravity of the threat represented by the presence of a civilian aircraft in Soviet airspace and, therefore, the Soviet Union has infringed a basic principle of international law.

84. The United Nations and its system of international organizations has the ability and the machinery in place to undertake the task before us. It remains for the Council to provide the impetus to ensure that it is undertaken and completed promptly and effectively.

(*The speaker continued in French.*)

85. I should like, on behalf of my Government, to suggest for the consideration of the Council a three-part programme of action.

86. First, we believe that it is essential to conduct an impartial investigation of this incident in order to determine all the relevant facts as well as the circumstances. This will require the most complete form of co-operation not only by the States directly involved in this tragic incident, but also by those such as Canada, which feel a deep humanitarian concern because of the death of their own citizens or, more generally, because of their fundamental respect for human values. We believe that the Secretary-General is the best person to undertake this task successfully and that it should be accomplished as soon as possible. The Secretary-General should be requested to report to the Council on this subject, which is considered to be of the utmost urgency.

87. Secondly, we believe that we should ask ICAO to conduct on an urgent basis, in co-operation with the Secretary-General, a detailed investigation of the incident with a view to making recommendations in order to improve the rules and regulations of international civil aviation and to prevent the repetition of a similar incident. We take it for granted that the Government of the Soviet Union will offer its full co-operation in such an investigation. If this incident were only a tragic accident, the Soviet Union would be requested, in keeping with the Chicago Convention on International Civil Aviation,[1] to conduct its own inquiry. Since this catastrophe was the result of a deliberate act, it is all the more mandatory for the Soviet Union to facilitate the investigation by ICAO in whatever manner may be necessary.

88. Thirdly, and as an interim measure while awaiting the result of the investigation and the revision of the rules and practices of international civil aviation, we believe that the Soviet Union should be requested, for urgent humanitarian reasons, to pay generous and immediate compensation to the families of the victims. I could recall precedents for the voluntary prompt payment of compensation in similar circumstances. This initiative, if necessary, could be facilitated by the assistance of bodies such as the International Committee of the Red Cross.

89. The Canadian Government presents these suggestions in the hope that they may not only move forward the debate in which we are engaged, but also that they may facilitate additional efforts that will be made elsewhere within the United Nations system and, I would hope, by those who have caused this horrible tragedy. The Council must make sure that this incident will be the last of its kind to cause such universal indignation.

90. The examination of the grave situation before us must not be imbued by any desire to engage in polemics but rather by what ought to be our common concern for human life, security and safety. We are therefore confident that the deliberations of the Council and the effective action which it must undertake will not be hindered by the exercise of the right of veto. Any tactic of that kind would be considered as a lack of conscience and would quite rightly be interpreted as an admission of guilt.

91. The PRESIDENT: The next speaker is the representative of Australia. I invite him to take a place at the Council table and to make his statement.

92. Mr. JOSEPH (Australia): Mr. President, first I should like, through you, to thank the members of the Council for allowing my delegation to address them this afternoon.

93. As I said in my letter of today's date to the President of the Council associating Australia with the request for this meeting [*S/15951*], it was with shock and indignation that my Government learned of the circumstances of the downing of the Korean Air Lines flight 007 on 31 August.

94. The loss of the 269 on board makes this the fifth most serious air disaster in aviation history. The casualties include at least one Australian family, including two small children.

95. There is no circumstance in which any nation can be justified in shooting down an unarmed civilian aircraft serving no military purpose. The fact that the aircraft may have strayed into Soviet airspace provides no justification whatsoever for an attack on the aircraft.

96. Let me underline this point. The Korean aircraft concerned was clearly an unarmed commercial airliner. Standard procedures governing the situation where a civil aircraft may have strayed into another country's airspace are laid down in the 1944 Chicago Convention on International Civil Aviation[1] to which both the Soviet Union and the Republic of Korea are parties. Annex 2 to that Convention, which covers the rules of the air, lays down in attachment A specific procedures to be followed in the event of interception, which itself is to be used only as a last resort[2]. An attack on a commercial civil aircraft which penetrates the air medium of a contracting State has been condemned by ICAO, notably after the Libya airliner incident of 1973.

97. It is abundantly clear that the Soviet fighter aircraft involved failed to follow the procedures laid down by that Convention and instead chose to exercise a singularly brutal option.

98. Many questions remain unanswered. Who gave the order to fire? Was it some impulsive act of a single pilot or unit? The disciplined command system that permeates the Soviet armed forces makes that explanation almost inconceivable. Nor is the suggestion of mistaken identity at all credible: there is no way of mistaking a Boeing 747 even in darkness. We have noted reports that the Soviet fighter that discharged the missile was in constant contact with its ground control and flew close enough for a visual inspection.

99. But whether it was an appalling individual blunder, failure of communication, or an act authorized from on high, it was a barbarous episode incompatible with decent relations between civilized nations. It was quite simply a massacre in the sky.

100. The Australian authorities are conscious that, while it was a Korean airliner that was shot down, such lawlessness in the skies has threatening implications for the civil aircraft of all nations. The incident must be of grave concern to every nation interested in the safety of air navigation.

101. While I would not wish to dwell on the matter, the episode is also a tragic illustration of the consequences of continued hostility relating to the Korean peninsula. It is our firm conviction that the attempts by the Soviet Union and others to deny the Republic of Korea its legitimate place in the international community and its rights in international law have contributed to the circumstances in which this appalling act has taken place.

102. Finally, Australia joins other members of the international community in demanding an immediate and full accounting from the Soviet authorities. We have put this request bilaterally, and I repeat it here today in a multilateral context. The explanations so far emanating from Moscow about the episode are in our view entirely inadequate. There has been a refusal thus far either to acknowledge responsibility or even to extend a convincing expression of regret for the action. This is deplorable. We appeal to the Soviet Union. If the Soviet authorities give in to the instinct to cover up, it will only confirm the worst fears of those who suspect them most, with repercussions across the spectrum of international relationships.

103. In this regard, I must say that one cannot but feel profoundly disturbed by the latest TASS statement, which was read to the Council earlier this afternoon by the representative of the Soviet Union [*para. 48*]. We found no element of contrition in that statement. It amounts, at least on first reading, to blaming the victims themselves. I remind the Soviet delegation that some of those victims were Australian citizens, and I would say firmly on behalf of those victims, now deceased, that they were entirely blameless in this appalling episode. We reject this latest attempt at evasion of responsibility.

104. I should not wish to conclude, Sir, without welcoming your assumption of the presidency in what may well be a difficult period. My delegation is confident that under your skilled guidance there will be a sustained effort to bring this matter to an appropriate conclusion.

105. Mr. van der STOEL (Netherlands): It is good to know, Sir, that a wise and distinguished colleague presides over the Council this month. We also owe a debt of gratitude to your predecessor, who presided over the Council with such distinction during August.

106. Yesterday the world was shocked by reports of the destruction of a civilian aircraft carrying 269 passengers and crew over waters off the Japanese island of Hokkaido. We offer our heartfelt condolences to the families of those who died as a consequence of this disaster.

107. In the course of the day, as more information became available, it began to dawn upon us that this tragedy was not an accident caused by some unfortunate human or technical failure, but that it was brought about by a deliberate attack by fighter aircraft of a State Member of the United Nations. It was deliberate because, for all we know, the aircraft which had inadvertently strayed from its course when it entered Soviet airspace was clearly identifiable as a civil aircraft, and it had been tracked by Soviet radar for over two hours before the fatal missile attack occurred. Moreover, we have learned that at the time the missile was fired the pilot of the Soviet fighter plane was in constant contact with his ground control.

108. It goes without saying that we learned with profound revulsion of this incredible and atrocious brutality.

109. Given the facts as they are known to us at this moment, my Government would agree with those Governments which have asked for an urgent meeting of the Council that, faced with such a flagrant and serious attack on the safety of international civil aviation, this body cannot and should not remain silent.

110. Whatever the possible mistakes made by the pilot of the Korean airliner which led the aircraft to stray from its course, there can be no justification for this massive violation, not only of the law of international civil aviation but indeed of basic norms of behaviour in international affairs. The Netherlands therefore cannot but strongly condemn this horrible act.

111. The Netherlands cannot conceive of any circumstances which would warrant Netherlands military aircraft shooting down a foreign commercial airliner that had strayed from its flight plan in our airspace, even if attempts at communication were unsuccessful. In cases of identified passenger aircraft straying into Netherlands airspace such events might lead to a diplomatic protest, at most. Penetration into our airspace of an unidentified aircraft may sometimes lead to interception by fighter planes, which would then escort that aircraft out of our national airspace. In any case, civilian aircraft will not be shot down.

112. In view of the gravity of these events, we had hoped that the Council would at least receive an assurance by

those who must bear the responsibility for this wanton act of destruction of human life that adequate measures will be taken to prevent their recurrence. Also, of course, we would have expected an expression of regret. We have now heard the statement of the representative of the Soviet Union. Our hope has proved to be an illusion. In answer to the detailed and substantial evidence provided by the representative of the United States, we have been obliged to listen to an outrageous story about spying—spying by a commercial airliner. The total lack of credibility of this story is obvious.

113. In condemning the brutal act which has been committed, we must consider that this act is even more serious because those responsible for it clearly do not show understanding of its gravity.

114. Mr. Shah NAWAZ (Pakistan): Allow me first, Sir, to express our profound satisfaction at your assumption of the presidency for the month of September. I have had the pleasure of working in close co-operation with you on major issues facing the United Nations and am deeply impressed by your diplomatic skill and experience and your knowledge of international affairs, which ensure that you will guide the deliberations of the Council with great distinction and success.

115. I also take this opportunity to pay a tribute to the representative of France for his outstanding leadership of the Council during the term of his presidency last month.

116. Today we have before us an issue which must cause deep anxiety to the international community. The statements made this afternoon and the letters addressed to you, Sir, by the representatives of Australia, Canada, Japan and the United States and the observer for the Republic of Korea, speak of the destruction of a Korean Air Lines jumbo jet and its 269 passengers, and crew, in tragic circumstances. The United States representative stated that his Government is in possession of incontrovertible evidence pointing to the shooting down of the jetliner by a Soviet fighter plane whose pilot was heard reporting its destruction by a missile fired by him.

117. The legal and technical questions arising from the incident have been covered by the statements of the representatives of Canada, the United States and other speakers. Assuming that this body of information correctly portrays all the relevant aspects of the incident, the international community cannot but deplore the shooting down of the Korean airliner in callous disregard for the sanctity of human life. We join the international community in expressing to the members of the bereaved families our deep sympathy and profound condolences on the loss of their loved ones in this tragic incident.

118. The whole world is waiting for greater light to be thrown on this sad event by the Soviet authorities, who are in the best position to do so. According to a TASS report which has been cited by the Soviet representative, an intruder plane, without navigational lights, twice violated Soviet airspace and failed to react to signals and warnings from the Soviet fighter aircraft which were sent up to establish contact with it. The statement is silent on the fate of the aircraft and the specific charge that it was shot down by Soviet fighter planes. The Soviet Union has an obvious obligation to the world community to provide, without further delay, complete information in regard to the loss of the Korean Air Lines planes and also to facilitate impartial investigation into the incident. In the absence of such information, the world community cannot but form its judgement on the basis of the available information and express its sense of outrage and shock at this appalling incident.

119. This incident is all the more regrettable since it is not the first time that a civilian aeroplane has strayed into alien airspace and suffered the consequences of nervous fingers on the trigger.

120. In today's world, where air travel is so extensive and the air lanes so crowded, the safety of the hundreds of thousands of passengers travelling daily on these airlines cannot be guaranteed by means which are exclusively legal and technical in nature. What is required above all is the exercise of compassion and forbearance and the avoidance of extreme and drastic measures in situations where the element of human error or navigational inexactitude in conforming to technical requirements is always present. This is necessary because unintentional and stray cases of violations of airspace cannot be ruled out. What must be ruled out is resort to irreversible acts of violence in such cases, which could have the gravest consequences.

121. Mr. LOUET (France) (*interpretation from French*): Mr. President, may I first of all be permitted to say that my delegation is truly happy to see you occupying this post for the month of September. It is a responsible role facing you and we know that your great qualities will enable you to assume the responsibilities with great success. You can certainly rest assurred of our full co-operation.

122. I thank you, Sir, as I thank earlier speakers, for the kind words addressed to Mr. de La Barre de Nanteuil which I shall not fail to convey to him upon his return.

123. It is very difficult for me to add anything to what previous speakers have said much more eloquently that I might be able to do. I shall therefore make a rather brief statement.

124. It is with a profound feeling of indignation and horror that the French Government heard the news of the destruction, during its flight, of an aircraft belonging to a civil airline while on a regular flight. To the families of the 269 victims we address our heartfelt condolences, and our thoughts are also with the Governments of those nationals who died in this tragedy. As the French Foreign Ministry stated yesterday:

> "Apart from the safety of civil air transport, at stake are the principles governing international relations and respect for human life."

Indeed, according to our information, this Korean Air Lines plane was knowingly destroyed, in disregard of ele-

mentary humanitarian considerations and the demands of civil aviation safety as recognized by the international community.

125. It is indispensable for full light to be shed upon this tragic event, for the circumstances to be quickly and fully clarified with the help of all and for responsibilities to be clearly determined. To this end, the Council should request the Secretary-General to gather together all the information possible in order to report to the Council within 48 hours.

126. We make an urgent appeal to the Government of the Soviet Union, and to the other Governments concerned, to facilitate the task of the Secretary-General.

127. Mr. LING Qing (China) (*interpretation from Chinese*): Mr. President, the Chinese delegation would like to express great satisfaction at seeing you, a distinguished diplomat from Guyana, conducting the deliberations of the Council for the month of September. Your talents and wisdom and your rich diplomatic experience are well known, and the positive contributions made by you in the last two years to our work are widely appreciated by colleagues in the Council. I believe that under your firm guidance the Council will be able successfully to accomplish its tasks in the month of September.

128. I should also like to take this opportunity to express gratitude to your predecessor, the President for the month of August, Mr. de La Barre de Nanteuil of France. The diplomatic skill displayed by him during his presidency has deeply impressed us.

129. The Chinese delegation has listened with attention to the statements made in the Council. We are shocked at and deplore the incident in which a Soviet fighter aircraft went so far as to shoot down a South Korean airliner, causing the death of 269 passengers and crew, including quite a number of Chinese compatriots of China's Taiwan province and Hong Kong.

130. The Chinese delegation would like to take this opportunity to extend condolences and sympathy to the bereaved families of the victims.

131. Sir John THOMSON (United Kingdom): The circumstances in which you, Sir, come to the presidency are sad and serious. We as a Council are therefore all the more fortunate to have as our President at this time a man of experience, ability and courage, one who knows how to keep order and remain calm. We particularly welcome and congratulate you as a representative of a notable Commonwealth country. We know that you will conduct our affairs with the same ability as your predecessor, Mr. de La Barre de Nanteuil, a very distinguished diplomat—even measured against the standard of the French Diplomatic Service.

132. My Government has already expressed publicly its condolences to the families of the many victims of this disaster. It has also expressed its grave concern and horror at the shooting down by a Soviet fighter of an unarmed Korean passenger airliner. The Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom summoned the Soviet Ambassador in London this morning and conveyed both our strong condemnation of the incident and a request for a full explanation.

133. Let me reiterate in this forum our horror at this tragic incident for which we can see no possible justification. The Soviet Government is duty bound to provide us with a proper explanation of what happened. Such explanation as we have had from it so far is totally inadequate—and in saying this I include the statement we heard this afternoon from the representative of the Soviet Union.

134. We have also heard from the observer for the Government of the Republic of Korea that it is seeking a proper explanation, an apology, compensation, the return of the remains and appropriate disciplinary action against those responsible, as well as arrangements designed to prevent any repetition of such incidents. My Government fully supports those requests.

135. I understand that one United Kingdom national and 13 Hong Kong residents were on the plane when it was shot down. In these circumstances, my Government reserves its right to take any appropriate action in accordance with international law.

136. This horrendous event has consequences for all of us, not just those unfortunate enough to have had nationals on board the airliner and for the bereaved: it has grave implications for the safety of civil aviation in general and for the travelling public of the world as a whole.

137. In the present tragic and serious circumstances, it appears to my Government that the best course would be for the Soviet Union to give the world a frank and honest account of what really happened. That would do something to reduce the damage to the international climate. I listened with mounting concern and indignation to the last part of the statement made this afternoon by the representative of the Soviet Union. The language he used was evasive, but even more important it was not calculated to help the cause of good international relations.

138. Allow me to express the hope that the appalling action by the Soviet authorities which has brought us together this afternoon was not intended to be a signal of their intentions towards international relations as a whole. I trust we shall receive an assurance on this point.

139. Mr. MAPANGO ma KEMISHANGA (Zaire) (*interpretation from French*): On my own behalf, and that of my delegation, I should like at the outset to join those who have preceded me and convey to you, Sir, our sincerest and warmest congratulations on your assumption of the presidency for the month of September. Once again we take pleasure in seeing you guiding our debates. Your exceptional diplomatic and intellectual qualities that are well known to all are a guarantee for the success of our

work in this matter of the South Korean Air Lines flight 007 which, unfortunately, seems to augur difficult days ahead. That being so, you can count on the positive contribution of my delegation during your difficult mandate as President of the Council.

140. I should like also to avail myself of this opportunity to express our full appreciation to another outstanding diplomat, Mr. Luc de La Barre de Nanteuil of France, for the excellent manner in which he directed the Council's work last month.

141. The question which is before the Council today is so serious that it represents for Zaire a threefold and deep concern. I say a threefold concern since the act that has just occurred is, in itself, regardless of any implications involved, one of extreme seriousness. Our first concern is that a civil aircraft, a South Korean Boeing 747 with 269 passengers on board, was intercepted and shot down during flight somewhere over Soviet airspace, causing the death of 269 passengers and crew—men, women and children. That is what is so shocking. That is what shows a certain folly of our times and cannot leave indifferent anyone who would like to ensure the best possible conditions for inter-State relations, emanating from the interdependence of nations, an interdependence that necessarily involves giving concrete form to the principle of the peaceful coexistence of States, large and small, with different political, economic and social systems.

142. Our second concern stems from the fact that the target chosen by the Soviet air force comes from a small, developing country, defenceless and with limited resources.

143. Our third concern arises from a certain number of questions we should like to have answered and for which no valid explanation has so far been given. In particular we wonder whether the Republic of South Korea has recently been involved in full armed conflict with the Soviet Union. And even had there been such a conflict between the two States, is that justification for the act that caused so many civilian victims? What remains of all the appropriate international conventions on this subject, including the 1944 Chicago Convention on International Civil Aviation[1], to which the Soviet Union itself is a party, and its annexes?

144. Truth to tell, this is an odious, barbaric act, an act of useless provocation. Having caused 269 innocent victims in contempt of the most elementary norms of international law and of morality, this deliberate—this criminal—attack against a South Korean civilian aircraft identified by a Soviet Army fighter plane deserved the firm and energetic condemnation of the international community, for it constitutes a serious threat to international peace and security. Such an act, which is tantamount to murder, cannot be explained. In the name of peaceful coexistence, the principle upon which the whole of Zaire's foreign policy is based, we must condemn this act with all our energy.

145. We can understand that through a navigational error the South Korean Boeing 747 might suddenly have found itself inside Soviet Union airspace, but is that the reason for such an act? If, furthermore, it is true that errors can happen, what could be more normal than to ask the pilot to correct his course and return to the correct route instead of moving immediately to the attack—as though the Soviet Union were being threatened with destruction by this commercial aeroplane?

146. Whatever the explanation, this act is far out of proportion to the argument based on the so-called violation of Soviet airspace. Had that violation been the act of a South Korean military aircraft we might understand it, but that it should be attributed to a navigational error on the part of a civilian aircraft boggles the mind. Hence my delegation requests that urgent measures be taken in order to avoid the repetition of such an act.

147. Before concluding, I should like to associate my delegation with all the delegations that have already spoken in sharing with the families of the victims the anger and grief that they must feel at this solemn moment.

148. The PRESIDENT: The next speaker is the representative of New Zealand. I invite him to take a place at the Council table and to make his statement.

149. Mr. HARLAND (New Zealand): May I begin, Sir, by congratulating you on your assumption of the presidency. We appreciate very much this opportunity to address the Council under your distinguished stewardship.

150. New Zealanders, like people in many other countries, have been deeply shocked to hear of the shooting down by Soviet military aircraft of an unarmed civilian aircraft carrying many passengers. Yesterday the New Zealand Parliament unanimously adopted the following motion introduced by the Minister for Foreign Affairs:

> "This House expresses its deep concern that Soviet military aircraft tracked a Korean Air Lines unarmed commercial aircraft for over two hours and, with ample time to verify an innocent intrusion into Soviet airspace and to take appropriate measures, then coldbloodedly and barbarically shot down the aircraft with heavy loss of life. This House further calls upon the Soviet Union to explain this act of international lawlessness and to bring those responsible to account. And further, this House expresses its heartfelt sympathy to the innocent victims and to the people of the Republic of Korea."

151. The New Zealand Government joins in the international condemnation of this outrageous act of international lawlessness. The explanations so far given by the Soviet Union are totally inadequate. The fact is that 269 innocent people have been killed. It is not enough for the Soviet leadership to express in some shuffling way its regret for the human loss. The world is waiting for the Soviet leadership to explain how this tragedy was allowed to happen and what will be done to prevent such outrages from happening again.

152. The PRESIDENT: The next speaker is the representative of the Federal Republic of Germany, whom I

invite to take a place at the Council table and to make his statement.

153. Mr. JELONEK (Federal Republic of Germany): Mr. President, I should like to thank you and all the members of the Council for affording my country the opportunity to take part in this debate. I also congratulate you on your assumption of your high office and wish you every success in the discharge of your duties.

154. The Government of the Federal Republic of Germany joins in the worldwide horror at and condemnation of the downing of an unarmed civilian aeroplane. We are shocked and dismayed at this unexplainable act of brutality and of contempt for human life that demanded the lives of 269 defenceless men, women and children. The Government of the Federal Republic of Germany expresses its deepest sympathy and profound condolences to the families, the peoples and the Governments of the victims.

155. The shooting down of a civilian aeroplane is, in times of peace, an unprecedented and abominable act for which there can be no excuse. Even if the aeroplane had strayed into Soviet airspace and failed to observe orders for landing, its destruction, involving heavy loss of human lives, was a gross violation of international law and the principles of humanity.

156. According to State practice, as well as to well-defined regulations of ICAO, the use of military force in such circumstances cannot be justified. The right of any State to enforce the respect for its airspace is, like the enforcement of other rights, limited by the principle of proportionality, which is a fundamental and globally recognized principle of international law. The course of action pursued by the Soviet Union undermines the very foundation of international civil aviation. We, therefore, sharply condemn it.

157. The political and moral damage caused by this most deplorable incident is considerable. The Government of the Federal Republic of Germany is extremely concerned about the ensuing risks of negative repercussions for both East-West relations and the international climate as a whole. This development is particularly alarming at a time at which crucial questions of East-West relations are being discussed in Geneva and at which the positive conclusion of the Madrid meeting of the participating States of the Conference on Security and Co-operation in Europe and the intensifying contacts between the two super-Powers offer possibilities for the much needed and much desired improvement of the international situation.

158. We call on the Soviet Union to take appropriate actions in order to limit the dangerous consequences of this incident as much as possible. In this respect, in particular, a comprehensive investigation and the indemnification of the families of the victims are required, as are arrangements designed to prevent any repetition of such tragic incidents.

159. Mr. LICHENSTEIN (United States of America): I would like to read to the Council a statement issued late this afternoon in Washington by Secretary of State George P. Shultz. I quote:

> "The Soviet Union has today issued another statement in its continuing effort to cover up the facts of the inhumane Soviet attack on an unarmed civilian airliner. They still will not admit the truth—that they shot down an unarmed civilian airliner.
>
> "The facts are:
>
> "First, the aircraft was a commercial airliner on a regularly scheduled flight—and the Soviet fighter came close enough to see it.
>
> "Secondly, the passengers on the flight came from many nations and included a number of women and children.
>
> "Thirdly, the airliner in question was not of United States registry.
>
> "Fourthly, the United States was not aware that the Korean airliner was in jeopardy until it was shot down. Our first knowledge of this incident was based on subsequent analysis of Soviet defence activity."

160. I depart from the Secretary's statement to comment on the suspicion which the Soviet representative expressed at the fact that United States services followed the flight throughout its duration in the most attentive manner. No, I would remind the representative of the Soviet Union: we followed you following the flight. I resume the Secretary's statement:

> "TASS also asserts that the Soviet aircraft fired warning shots with tracer shells along the route of the plane. We know the Soviet pilot reported he had fired on the target and that the target was destroyed. There is no indication that the Soviets tried to warn the plane by firing tracers.
>
> "The Soviet Union is clearly engaged in an effort to divert attention from its own actions by false claims of a United States intelligence connection with the Korean civilian airliner"—and presumably with the 269 contract United States intelligence agents aboard that plane.
>
> "None of this can obscure the facts. The Soviet Union must accept responsibility for having shot down an unarmed commercial airliner, taking the lives of 269 human beings. No cover-up, however brazen, however elaborate, can change this reality or absolve the Soviet Union of its responsibility to explain its behaviour. The world is waiting for the Soviet Union to tell the truth."

161. I have one final comment. This is not Secretary of State George P. Shultz speaking. This is me. Probably the most grotesque of all the fictions to which we have been exposed this afternoon by the Soviet representative was

his astounding allegation that of course the destruction of this aircraft redounds, in some extraordinary way, to the benefit of the Administration of the President of the United States—redounds to its benefit, to the benefit of the Administration that I represent.

162. Knowing as we do the less-than-hospitable feelings of the Soviet Union towards the President and the Administration, which I am proud to represent, were it to redound to the benefit of that Administration, why, I must ask the Soviet representative, did you shoot down the aeroplane?

The meeting rose at 6.40 p.m.

NOTES

[1] United Nations, *Treaty Series*, vol. 15, No. 102.

[2] International Civil Aviation Organization, ***Rules of the Air***, Annex 2 to the Convention on International Civil Aviation, Attachment A, para. 2.1.

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